

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**LACHAUNTI WILLIAMS**

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**No. 3:09-cr-00240-20**

**Judge Nixon**

**ORDER**

Before the Court is Defendant Lachaunti Williams's Notice of Intent to Move to Sever ("Notice"), in which he states that he intends to file a motion to sever all new or modified counts he is charged with in the Tenth Superseding Indictment. (Doc. No. 2183.) The Government filed a Response, opposing severance of counts, stating that all charges are properly joined. (Doc. No. 2220.) The Tenth Superseding Indictment was filed on May 22, 2013. (Doc. No. 2223.) The Court held a hearing on May 23, 2013, at which time Mr. Williams's counsel stated that he is ready to try Counts 8 and 18–21 from the Tenth Superseding Indictment on the currently scheduled trial date and requested the Court sever Counts 4, 5, 9, and 10, to be tried at a later date. The Government responded that it will be ready for trial on Counts 8 and 18–21 on the currently scheduled trial date but believes all counts were properly joined and opposes severance. Also pending is Mr. Williams's Renewal of Motion to Sever Counts. (Doc. No. 2183.)

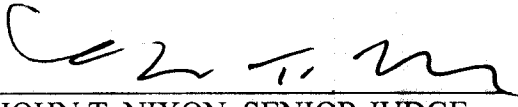
Federal Rule of Criminal Procedure 14 states that "[i]f the joinder of offenses or defenses in an indictment . . . appears to prejudice a defendant or the government, the court may order separate trials of counts, sever the defendants' trials, or provide any other relief that justice requires." Fed. R. Crim. P. 14(a). The Sixth Circuit has stated that, even if joinder is appropriate under Federal Rule of Criminal Procedure 8, a court may order severance under Rule 14. *United States v. Cobb*, 397 F. App'x 128, 136–37 (6th Cir. 2010).

After reviewing the filings on this matter and hearing arguments from Mr. Williams, the Court finds severance appropriate to avoid further delay of Mr. Williams's trial. The Court therefore finds that it is prudent to sever Counts 4, 5, 9, and 10 with respect to Mr. Williams to be tried separately from the remaining Counts in the Tenth Superseding Indictment.

The Court **SEVERES** Counts 4, 5, 9, and 10 with respect to Mr. Williams for the purposes of trial. Counts 8, and 18-21 will be tried as scheduled, on **Tuesday, May 29, 2013, at 9:00 a.m.** Counts 4, 5, 9, and 10 are **SCHEDULED** for trial on **Tuesday, October 15, 2013, at 9:00 a.m.** A hearing to discuss pending motions is **SCHEDULED** for **Friday, May 24, 2013, at 11:00 a.m.** Based on this Order, Mr. Williams's Renewal of Motion to Sever Counts (Doc. No. 2183) is **TERMINATED AS MOOT.**

It is so ORDERED.

Entered this the 23<sup>rd</sup> day of May, 2013.

  
JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT